

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

COLUMBUS-AMERICA DISCOVERY
GROUP, INC.,

PLAINTIFF,

Civil Action No.: 2:87-cv-363

v.

UNIDENTIFIED & ABANDONED
SAILING VESSEL, INC. et al., in rem,

DEFENDANT.

**CADG'S MOTION TO REQUIRE
RLP'S CONTRACT-SALVOR ODYSSEY MARINE EXPLORATION INC.
TO APPEAR AND SUBMIT TO THE COURT'S JURISDICTION**

Plaintiff and Salvor-in-Possession Columbus America Discovery Group, Inc.

("CADG") moves this Honorable Court for an Order requiring Odyssey Marine Exploration LLC, ("OMEX") as contract salvor to Recovery Limited Partnership ("RLP") to enter an appearance in this action, submitting itself to the jurisdiction of this Court over its person, on the following grounds:

1. Upon information and belief, based upon representations made by its Ohio Receiver, Recovery Limited Partnership ("RLP") contracted with OMEX to salvage gold and artifacts from the Wrecked and Abandoned Vessel identified as the S.S. CENTRAL AMERICA beginning on or about March 2014.

2. OMEX is a Nevada corporation with its principal place of business in Tampa, Florida. OMEX is not registered to do business in Virginia and it has not appointed an agent for service of process in Virginia. By analogy to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, OMEX cannot be found within the district.

3. On or about April 14, 2014, OMEX intruded into the sea area previously enjoined by this Honorable Court using the OSV ODYSSEY EXPLORER under its disposition as operator or charterer.

4. Upon information and belief, the OSV ODYSSEY EXPLORER is not presently within nor operating out of the Port of Hampton Roads within the jurisdiction of this Court.

5. Upon information and belief, OMEX and the OSV ODYSSEY EXPLORER are conducting contract salvage operations within the Court's enjoined sea area operating out of the port of Charleston, South Carolina.

6. Upon information and belief, the OSV ODYSSEY EXPLORER is presently docked at Veteran's Terminal, Pier Mike, in North Charleston with gold and artifacts recovered from the enjoined sea area.

7. Upon information and belief, OMEX does not intend to transport and submit the gold and artifacts presently onboard to be arrested by the U.S. Marshal for this District during its present port call in Charleston.

8. Having once been lost, wrecked and abandoned, the gold and artifacts presently aboard the OSV ODYSSEY EXPLORER should not be exposed to the perils of the seas once again by returning to sea during the resumption of salvage operations.

9. OMEX's reputation and history in the salvage of historic shipwrecks is fraught with dishonesty and fraud upon tribunals. *See e.g. Odyssey Marine Exploration, Inc. v. The Unidentified Shipwrecked Vessel*, 657 F.3d 1159, 2011 A.M.C. 409 (11th Cir. 2011).

10. Only by requiring that OMEX submit itself to the jurisdiction of this Honorable Court over its person can the Court exercise the control and management tantamount to a conservatorship or trusteeship in the public interest over the wreck of the S.S. CENTRAL AMERICA *in situ* and the gold and artifacts recovered and to be recovered from the wreck. *See R.M.S. TITANIC, Inc. v. Wrecked and Abandoned Vessel*, 435 F.3d 521, 2006 A.M.C. 305 (4th Cir. 2006).

WHEREFORE, Plaintiff and Salvor-in-Possession Columbus America Discovery group, Inc. prays that this Court order Odyssey Marine

Exploration, Inc. to appear and submit itself to the jurisdiction of this Court over its person.

Columbus America
Discovery Group

/s/

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CERTIFICATE OF SERVICE

I certify that on May 15, 2014, I electronically filed this “CADG’s Motion to Require RLP’s Contract Salvor OMEX to Appear and Submit the Court’s Jurisdiction” with the Clerk of Court using the CM/ECF system which will send notification of such filings to the following:

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